

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1001 – HB 1190

April 8, 2017

SUMMARY OF ORIGINAL BILL: Increases, from 45 to 60 days, the time within which a court must set a hearing in forfeiture cases involving a claim by a person with interest in the seized property.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (004814, 006857): Amendment 004814 deletes and rewrites the bill to require the administrative head of an applicable agency to contract with the Secretary of State for use of administrative law judges to conduct forfeiture hearings. Requires administrative law judges to issue final orders for forfeitures for purposes of appealing the order. Broadens the counties in which a notice of review may be filed for forfeiture proceedings.

Amendment 006857 deletes the effective clause and rewrites the clause to change the effective date of broadening the counties in which review may be sought until January 1, 2019.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tennessee Code Annotated § 40-33-201 requires all property seized under Tenn. Code Ann. § 39-14-307, § 47-25-1105, § 53-11-451, § 55-16-104, § 55-50-504(h), § 55-10-414, § 57-3-411, § 57-5-409, § 57-9-201, § 67-4-1020, or § 70-6-202 to be seized according to the procedure set forth in title 40, chapter 33, part 2.
- Tennessee Code Annotated § 40-33-202 defines “applicable agency” as the agency, board, commission, or department charged by law or permitted by agreement with conducting the forfeiture proceedings for property seized under the statutes listed above.
- The statutes listed above authorize seizure by local law enforcement agencies (but only for arson offenses under Tenn. Code Ann. § 39-14-307), the Tennessee Bureau of

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Investigation, the Department of Safety, the Alcoholic Beverage Commission, the Department of Revenue, and the Tennessee Wildlife Resources Agency.

- The proposed legislation would prohibit the applicable agencies from appointing or designate a hearing officer for forfeiture proceedings. The agency must contract with the Secretary of State.
- The Secretary of State already hears forfeiture matters for the Department of Safety and the Alcoholic Beverage Commission.
- It is assumed that the Department of Revenue, the Tennessee Bureau of Investigation, and the Tennessee Wildlife Resources Agency will not increase the Secretary of State's caseload enough to require additional administrative law judges.
- The Secretary of State, Administrative Procedures Division, confirms that the proposed legislation will not significantly impact its current operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm